ANNO QUARTO

GEORGII IV. REGIS.

Cap. xxxi.

An Act for repairing and improving the Road from *Otley* to *Skipton* in the County of *York*.

[12th *May* 1823.]

WHEREAS an Act was passed in the Twenty-eighth Year of the Reign of His Majesty King *George* the Second, intituled *An Act for repairing and widening the Roads from the Town of* Leeds, *in the West Riding of the County of* York, *through* Otley, Skipton, Colne, Burnley, *and* Blackburne, *to* Burscough Bridge *in* Walton, *in the County of* Lancaster; *and from* Skipton, *through* Gisburn *and* Clithero, *to* Preston, *in the said County of* Lancaster: And whereas another Act was passed in the Twenty-first Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for continuing the Term, and altering and enlarging the Powers of so much of an Act made in the Twenty-eighth Year of the Reign of His late Majesty King* George *the Second, for repairing and widening certain Roads therein described, as relate to the Roads from* Otley *to* Skipton, *in the County of* York; *from* Skipton *to* Colne, *in the County of* Lancaster; *and from* Skipton *to* Clithero, *in the said County*: And whereas another Act was passed in the Forty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for continuing the Term, and altering and enlarging the Powers of Two Acts, passed in the Twenty-eighth Year of the Reign of His late Majesty King* George *the Second, and of the Twenty-first Year of the Reign of His present Majesty, for repairing several Roads therein described, so far as the same relate to the Roads from* Otley *to* Skipton, *in the County of* York; *and from*

28 G. 2. c. 60.

21 G. 3. c. 95.

42 G. 3. c. 26.

Skipton *aforesaid, to* Colne, *in the County Palatine of* Lancaster; *and for altering the Course or Direction of certain Parts of the said Road from* Otley *to* Skipton *aforesaid:* And whereas certain Parts of the said Road from *Otley* to *Skipton*, extending from the Market Cross of *Otley* to the Market Cross of *Skipton*, by the said recited Acts intended to be improved, have not yet been completed: And whereas divers Sums of Money have been borrowed, and are still due and owing on the Credit of the Tolls authorized to be taken on the said Road from *Otley* to *Skipton*, which cannot be paid off, nor can the said Road be completed and maintained in Repair, unless the Term and Powers of the said several Acts, so far as relates to the said Road are enlarged, some additional Powers granted, and the Tolls increased: And whereas it will tend to the Accommodation of the Public, and the Inhabitants of the neighbouring Parts, if Power was given to make a Diversion of the said Road, commencing at or near a Close of Land called *Thackgarth* in the Parish of *Ilkley* in the County of *York*, in the Occupation of *Christopher Ellis*, and to pass through the said Parish, into and through a Plantation in the Parish of *Addingham* in the said County, in the Occupation of *John Nicholas Coulthurst* Esquire: And whereas it would facilitate the Execution of the Purposes of the said several Acts if the same were repealed, and additional Powers granted: And whereas an Act was passed in the Third Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Recited Acts so far as relates to the Road from Ottley to Skipton, repealed.

That from and immediately after the First Day of *June* One thousand eight hundred and twenty-three, the said several recited Acts passed in Twenty-eighth Year of the Reign of His Majesty King *George* the Second, and the Twenty-first and Forty-second Years of the Reign of His late Majesty King *George* the Third, so far as relates to the said Road from *Otley* to *Skipton*, shall be and the same are hereby repealed; and instead thereof, this Act, and the said recited Act, passed in the Third Year of the Reign of His present Majesty, shall be put into Execution for and during the Term herein-after mentioned, for repairing, improving, and maintaining in Repair the said Road from *Otley* to *Skipton*, both in the County of *York*.

Extending the Powers of the General Act.

II. And be it further enacted, That the said recited Act, passed in the Third Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are expressly varied, altered, or repealed by this Act) shall be as good, valid, and effectual for carrying this Act into Execution, as if the same had been repeated and re-enacted in the Body of this Act.

Tolls to be a Security for the Money.

III. And be it further enacted, That the Tolls by this Act granted and made payable shall and are hereby declared to be a Security for all Money borrowed, upon the Securities of the Trustees, or upon the Credit of the Tolls authorized to be collected upon the said Road from *Otley* to *Skipton*, by virtue of the said recited Acts, and for all Interest due and to grow due

due for the same, and shall be subject and liable to the Payment thereof; and that until such Money shall be fully paid off and discharged, the several Assignments or Mortgages made for the Security thereof, by virtue of the said Act, shall be deemed and taken to be Assignments or Mortgages of the Tolls by this Act granted, and shall be and continue in full Force and Effect during the Continuance of this Act, unless the Money thereby secured, and the Interest, shall be sooner paid off and discharged.

Arrears and Property belonging to former Trustees, vested in the Trustees named in this Act.

IV. And be it further enacted, That all Arrears of Tolls or Rents, or other Monies due to, and Property, Real or Personal, and all Choses in and Rights of Action, either at Law or in Equity, vested in the Trustees under the said former Acts, for the Road from *Otley* to *Skipton*, shall immediately on the Commencement of this Act be vested in the Trustees named in or to be elected and appointed by virtue of this Act, who shall be and are hereby enabled to recover the same, and for that Purpose to cause to be commenced and prosecuted all Actions and Suits at Law or in Equity, in the Name of their Clerk for the Time being, and to act in respect thereof as effectually as if the same had been due to or had been vested in them under and by virtue of this Act, or such Arrears of Tolls or Rents, or other Monies so due to the Trustees under the said former Acts as aforesaid, by virtue of any Deed or Specialty, shall or may be sued for and recovered in the Name of the Trustee or Trustees, to or with whom such Deed or Specialty shall have been so made or entered into, at the Option or Election of the Trustees named or to be appointed by virtue of this Act; and that all the Costs to be incurred by the Trustees, or Persons in whose Names such Proceedings shall be had, shall be paid and defrayed by and out of the Monies to be raised by virtue of this Act, and the Monies, when recovered, shall be paid over to the Treasurer of the said Trustees, to be applied for the Purposes of this Act.

Trustees.

V. And be it further enacted, That all His Majesty's Justices of the Peace acting for the said County of *York*, together with the Honourable *James Abercrombie*, *John Atkinson* of *Lincoln's Inn*, *Thomas Atkinson* of *Lincoln's Inn Fields*, *William Atkinson* of *Kirkby*, *Richard Ambler*, *William Nicholson Alcock*, *Henry Alcock*, *Richard Alcock*, *George Addinell*, *John Armitage*, *Henry Alcock Bramley*, *Richard Bramley*, *Thomas Bramley*, *John Bramley*, *William Bagshaw* Clerk, *John Barton Baldwen*, *William Busfield*, *Johnson Atkinson Busfield* Doctor of Divinity, *Currer Busfield*, *John Birtwhistle*, *John Bleasard*, *John Bower*, *John Blackburn*, *William Blake*, *William Brown*, *John Buck*, *John Bolling*, *Thomas Beanlands*, *William Birkbeck*, *John Birkbeck*, *Thomas Bradshaw*, *George Baron*, *John Carr*, *William Carr* Clerk, *Charles Carr* Doctor of Medicine, *Richard Carr*, *William Carr*, *Charles Carr*, *Charles Carr* Clerk, *John Carr* junior, *Danson Richardson Currer* Clerk, *John Nicholas Coulthurst*, *William Coulthurst*, *Henry Coulthurst*, *Edward Coulthurst*, *Nicholas Coulthurst*, *John Chadwick*, *Thomas Lister Thompson Cunliffe*, *Nicholas Cunliffe*, *Thomas Chamberlain*, *Abraham Chamberlain*, *William Chamberlain*, *John Coates* Clerk, *Robinson Chippendale*, *William Chippendale*, *Thomas Chippendale*, *Temple Edward Chippendale*, *John Clapham* Clerk, *Thomas Clayton*, *John Cockshott*, *Thomas Cockshott*, *William Cockshott*, *Robert Cockshott*, *Henry Cockshott*, *Edmund Cockshott*, *John Colton*, *Robert Dickson*, *Thomas Davis*, *Pudsay Dawson*, *Richard Dawson* Clerk, *Ambrose Dean*, *John Dean*, *George Dixon*, *John Dyneley*, *Walter Fawkes*, *Fawkes*, *Edward Ferrand*, *Walker Ferrand*, *George Lane*

Lane Fox, *Richard Folds*, *Jeffrey Folds*, *James Braithwaite Garforth*, *Thomas Gartham* Clerk, *Thomas Gill*, *John Greenwood*, *Frederick Greenwood*, *Edwin Greenwood*, *William Greenwood*, *George Oates Greenwood*, *Peter Hartley*, *James Hargraves*, *William Holdsworth* Clerk, Sir *Henry Carr Ibbetson* Baronet, *John Abbotson Ingleby*, *Charles Ingleby*, *Thomas Johnson*, *Thomas Johnson* junior, *Stephen Johnson*, Sir *John Lister Kaye* Baronet, the Honourable *Thomas Lister*, the Honourable *Edward Lascelles*, the Honourable *Charles Lascelles*, *Anthony Lister* Clerk, *Ellis Cunliffe Lister*, *Walter Levett* Clerk, *Ebenezer Lister*, *John Lister*, *William Middleton*, *Peter Middleton*, *Joseph Mason*, *Thomas Mason*, *Thomas Metcalf*, *John Mitchell*, *Milthorpe*, *Aaron Manby* Clerk, *James Moorhouse*, *John Margerison*, *Lister Margerison*, *William Netherwood* of *Hamblethorpe*, *Christopher Netherwood*, *William Netherwood*, *John Netherwood*, *Christopher Netherwood* junior, *John Parker* Clerk, *Thomas Parker*, *John Pering* Clerk, *Cooper Preston* Clerk, *John Peart*, *Thomas Parker* of *Lothersdale*, *John Parkinson*, *Thomas Parkinson*, *Thomas Preston*, *John Preston*, *Richard Henry Roundell*, *Henry Dawson Roundell*, *Saville Richardson Roundell*, *Septimus Ward Roundell*, *John Charles Ramsden*, *John Rawes* Clerk, *William Lister Fenton Scott*, *William Sedgwick*, *John Sedgwick*, *John Smith*, *John Swire*, *Joseph Smith*, *Richard Smith*, *Richard Smith* of *London*, *Stephen Tempest*, *Charles Tempest*, *Henry Tempest*, *John Tempest*, *Walter Tempest*, *John Tennant*, *Stansfield Tennant*, *Robert Thomlinson* Clerk, *John Tomlin*, *William Vavasour*, *Matthew Wilson* (of *Manor House*), *Matthew Wilson* of *Eshton Hall*, *Matthew Wilson* junior, *Henry Currer Wilson*, *Thomas Furness Wilson* Clerk, *Richard Waddilove*, *Richard Waddilove* junior, *Richard Bradley Wainman*, *William Wainman*, *William Atkinson Wasney* Clerk, *Wilkinson Wasney*, *Henry Wiglesworth* Clerk, *James Wiglesworth*, *Thomas Wiglesworth*, *Richard Withnell* Clerk, *Henry Wilkinson*, *Stephen Wilkinson*, *Joshua Windle*, *Jonas Whitaker*, *John Whitaker*, *John Yorke*, *Henry Yorke*, *Edmund Yorke*, and their Successors, to be elected in Manner herein-after mentioned, shall be and are hereby appointed Trustees for repairing, improving, and maintaining in Repair the said Road, and for putting into Execution this Act, and such of the Powers and Provisions of the said recited Act of the Third Year of the Reign of His present Majesty, as are not expressly varied, altered, or repealed by this Act.

Appointment of additional Trustees at the First Meeting.

VI. And be it further enacted, That it shall be lawful for the said Trustees, at their First Meeting to be held in pursuance of this Act, to elect any Number of fit and proper Persons, not exceeding Five in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby appointed; and such Trustees so elected shall be and are hereby invested with the same Powers and Authorities for executing the said last recited Act and this Act, as if they had been herein named and appointed.

Oath.

VII. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee for putting this Act into Execution, unless he shall be qualified in such Manner as in and by the said recited Act, passed in the Third Year of the Reign of His present Majesty, is directed and prescribed, and unless being so qualified, he shall, before he shall act as a Trustee, (except in administering the Oath mentioned in the said last-mentioned Act, and the Oath herein-after mentioned) take and subscribe, before One or more of the said Trustees, (who is and are hereby

hereby empowered to administer the same), the Oath following; (that is to say),

'I *A. B.* do swear, That I will truly and impartially, according to the best 'of my Judgment, execute and perform the several Powers, Autho- 'rities, and Trusts reposed in me as a Trustee by virtue of an Act passed 'in the Fourth Year of the Reign of His Majesty King *George* the Fourth, 'intituled *An Act* [*here set forth the Title of this Act*], and also an Act 'passed in the Third Year of the Reign of His said Majesty, intituled '[*here set forth the Title of the General Turnpike Act.*]

'So help me GOD.'

And if any Person shall presume to act, except as aforesaid, before he shall have taken and subscribed the said Oath, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform or sue for the same in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than one Imparlance shall be allowed: Provided nevertheless, that no Act or Proceeding touching the Execution of the said Act of the Third Year of the Reign of His present Majesty, or this Act, which shall be done or performed by any such Person who shall have omitted or neglected to take and subscribe the said Oath by this Act prescribed, shall be thereby impeached or rendered nugatory; but all such Proceedings shall be as valid and effectual as if such Person had taken such Oath previously to his having acted as such Trustee as aforesaid.

Meetings and Manner of Adjournment.

VIII. And be it further enacted, That the said Trustees shall meet together at the *Devonshire Hotel*, or some other convenient Place in *Skipton* aforesaid, on the Third *Wednesday* after the passing of this Act, and proceed in the Execution of the said last recited Act and this Act.

Appointment of Officers.

IX. And be it further enacted, That the said Trustees, at their first or any subsequent Meeting held either by Adjournment or by Notice as aforesaid, shall and may nominate and appoint one or more fit Person or Persons to be a Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, and also a Receiver or Receivers, Collector or Collectors, of the Tolls on the said Road, with such Salaries as they the said Trustees shall think reasonable; and shall also appoint such other Officers as they shall think necessary to employ in the Execution of the said last recited Act, and this Act; and shall have Power from Time to Time, to remove such Clerks, Treasurers, Surveyors, and other Officers, or any of them, as they shall see Occasion, and to appoint others in their stead, in cases of Death or such Removal.

Treasurer or Clerk not to be the same Person.

X. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person or Persons who has been or may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, the Treasurer or Treasurers for the Purposes of this Act, or to continue or appoint any Person or Persons who has been

or may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, the Clerk or Clerks to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, shall accept the Office of Treasurer, or being the Partner of any such Treasurer or Treasurers, shall accept the Office of Clerk in the Execution of this Act; and if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under the said Trustees, other than that of Treasurer, every such Person so offending shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person who shall sue for the same, to be recovered with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance shall be allowed.

Present Officers to continue until others appointed.

XI. Provided always, and be it further enacted, That each and every Clerk, Receiver, Collector, Surveyor, and other Officer, (other than the Treasurer) appointed under or by virtue of the former Acts hereby repealed, shall respectively continue to exercise their several and respective Offices under this Act, until they shall respectively resign, or be removed or displaced by the Trustees for executing this Act; and shall be subject to the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations in all respects whatsoever, as if they had been appointed under or by virtue of this Act.

Books, Monies, and Effects, under the former Act, to be delivered up to the Trustees.

XII. And be it further enacted, That every Person who shall have been employed to receive, or who shall have received any Tolls or other Monies under or by virtue or on account of the Acts hereby repealed, or shall have in his or their Custody or Possession any Vouchers, Books, Accounts, Papers, Writings, or other Things relating to the said Road hereby intended to be repaired, or any of them, shall, when required so to do, account for and deliver the same to the said Trustees, or any Person or Persons appointed by them for that Purpose, in like Manner, and under the like Penalties as are directed with respect to any Officer or Person appointed under this Act, by the said recited Act of the Third Year of the Reign of His present Majesty.

Books used under former Acts to be Evidence.

XIII. And be it further enacted, That all and every Book and Books containing the Accounts and Proceedings of the Trustees for executing the said recited Acts, or containing any Orders or Agreements made or entered into by them, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and same Manner as if the said recited Acts had not been repealed.

For continuing the present Toll Gates, and erecting other Toll Gates.

XIV. And be it further enacted, That the said Trustees shall and may, and they are hereby authorized and empowered to continue all or any of the Gates, Turnpikes, Bars, and Chains now standing in, upon, or across the said Road, or on the Sides thereof; and also to erect, or cause to be erected, any other Turnpike or Turnpikes, Toll Gate or Toll Gates, Bar or Bars, in, upon, or across any Part or Parts of the

said Road, and also upon the Sides of the said Road, across any Lane or Way leading into or out of the same, (such Lane or Way not being a Turnpike Road), and also to continue, erect, or provide a Toll House, with suitable Out-buildings and Conveniences at or near each Toll Gate; and also shall and may take in and inclose, from the Sides of the said Road, convenient Garden Spots for the Toll Houses respectively, not exceeding One-eighth Part of a Statute Acre to each Toll House.

Power to remove Toll Gates, &c.

XV. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby empowered from Time to Time, when and as often as they shall think proper, to cause any of the Toll Gates erected by the Authority of the said several Acts hereby repealed, or either of them, or which shall be continued or erected by virtue of this Act, in, upon, or across the said Turnpike Road, or on the Side or Sides of any Part thereof respectively, to be removed to, and erected in, upon, or across, or on the Side or Sides of such other Part or Parts of the said Turnpike Road hereby directed to be maintained and kept in repair, or otherwise to be wholly removed and taken away, as the said Trustees shall from Time to Time order and direct: Provided that none of the said Toll Gates shall be removed or taken away as aforesaid, unless Notice in Writing of the Intention to remove or take away the same shall have been affixed upon all the Toll Gates then standing upon the said Turnpike Road; nor unless such Notice shall have been advertised in some Newspapers published in the said County of *York*, Twenty-one Days at least previous to such Order being made.

Power to sell the present Toll Houses.

XVI. And be it further enacted, That it shall be lawful for the said Trustees absolutely to sell and dispose of any Toll House or Toll Houses erected by virtue of the said Acts hereby repealed on the said Road, to be improved and repaired by virtue of this Act, or hereafter to be erected by virtue of this Act, and the Ground whereon the same may stand, with the Out-houses, Gardens, and Appurtenances thereunto belonging, when they shall be considered by the said Trustees useless and unnecessary for the Purposes of this Act, to any Person or Persons whomsoever, either by public Auction or private Sale, at or for such Price or Prices as they the said Trustees can obtain for the same, and in case of Sale, to convey the said Toll Houses, Gardens, and Appurtenances to the Person or Persons who shall purchase the same, as an Estate or Estates of Inheritance in Fee Simple; and the Person or Persons who shall purchase the same, his, her, or their Heirs or Assigns, shall upon Payment of his, her, or their Purchase Money to the said Trustees, or to the Treasurer or Treasurers for the Time being, hold and enjoy the Premises by him, her, or them so purchased, discharged from all Trust, and free from all Incumbrances whatsoever, and shall not be obliged to see to the Application of his, her, or their Purchase Money, or be answerable for the Misapplication or Non-application thereof: Provided always, that such Preference of purchasing shall be given to the Owner or Owners of the adjoining Land, as is by the said last recited Act directed to be given where any Piece or Pieces of Ground, or old Road not wanted for the Purposes of any Turnpike Road, is authorized to be sold and disposed of.

XVII. And

Trustees may appoint temporary Collectors.

XVII. And be it further enacted, That in case of the Incapacity, Misbehaviour, or Negligence of any Collector or Receiver of the Tolls hereby granted, the said Trustees or any Three or more of them, though not assembled at a Meeting of the said Trustees appointed by virtue of this Act, may discharge any such Collector or Receiver; and also shall and may nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls, to continue until the next Meeting of the said Trustees, in the stead of such Collector or Receiver as shall so become incapable, or misbehave or be negligent, or in the Place of any such Collector or Receiver as shall die or abscond; which Person so nominated and appointed, shall have the like Power and Authority, and be answerable and accountable in the same Manner in all respects as the Person he or she shall succeed would have had or been subject to; and that if any Collector or Receiver of the said Tolls shall be discharged from his said Office by the said Trustees as aforesaid, or the Wife or Widow, or any of the Children, Family, or other Representatives of any Collector or Receiver who shall die or be discharged as aforesaid, or any other Person, shall refuse to deliver up the Possession of any Toll House or Toll Houses, Toll Gate, Toll Bar, Chain, or Weighing Machine, Buildings, and Premises continued or erected by virtue of this Act, for the Space of Ten Days after Demand thereof made, and Notice in Writing, to be given for that Purpose by any Five or more of the said Trustees, or by their Clerk or Treasurer, then and in any of the said Cases it shall be lawful for any Justice or Justices of the Peace for the County in which the Toll House, Buildings, and Premises shall be situate, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Constable or other Peace Officer for the same County, with such Assistance as shall be necessary, to enter and take Possession of such House, Buildings, and Premises, Toll Gate, Bar, Chain, or Weighing Machine, in the Day-time, and to remove the Person or Persons who shall be found therein, or in Possession thereof, together with his, her, or their Goods, out of and from the same, and to put the said Trustees, or any Two or more of them, or their new appointed Officer, in the Possession thereof.

For recovering Possession of Toll Houses from Collectors, &c.

Power to take Tolls.

XVIII. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Person or Persons appointed or continued, or to be appointed by virtue of this Act, Collector or Collectors as aforesaid, to demand and take the several Tolls and Duties following, at all or any of the Turnpikes or Toll Gates or Toll Houses, or Side Bars or Side Gates, or Chains, which are or shall be standing and being, or continued or erected by virtue of this Act, in, upon, across, or on the Side or Sides of the said Road, and on every Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night; (that is to say),

Tolls to be taken.

For every Horse or Mule drawing any Coach, Chariot, Landau, Berlin, Chaise, Chair, Caravan, Hearse, Litter, or other such Carriage, if drawn by Six Horses or Mules, at the First Toll Gate or Turnpike which such Horse or Mule shall pass, the Sum of Seven-pence; at the Second Toll Gate or Turnpike, the further Sum of Three-pence; and at the Third Toll Gate or Turnpike, the further Sum of Seven-pence:

For every Horse or Mule drawing any Coach, Chariot, Landau, Berlin, Chaise, Chair, Caravan, Hearse, Litter, or other such Carriage, if drawn by

by Five Horses or Mules, at the First Toll Gate or Turnpike which such Horse or Mule shall pass, the Sum of Sixpence; at the Second Toll Gate or Turnpike, the further Sum of Three-pence; and at the Third Toll Gate or Turnpike, the further Sum of Sixpence:

For every Horse or Mule drawing any Coach, Chariot, Landau, Berlin, Chaise, Chair, Caravan, Hearse, Litter, or other such Carriage, if drawn by Four Horses or Mules, at the First Toll Gate or Turnpike which such Horse or Mule shall pass, the Sum of Sixpence; at the Second Toll Gate or Turnpike, the further Sum of Four-pence; and at the Third Toll Gate or Turnpike, the further Sum of Sixpence:

For every Horse or Mule drawing any Coach, Chariot, Landau, Berlin, Chaise, Chair, Caravan, Hearse, Litter, or other such Carriage, if drawn by Three Horses or Mules, at the First Toll Gate or Turnpike which such Horse or Mule shall pass, the Sum of Sixpence; at the Second Toll Gate or Turnpike, the further Sum of Three-pence Halfpenny; and at the Third Toll Gate or Turnpike, the further Sum of Sixpence:

For every Horse or Mule drawing any Coach, Chariot, Landau, Berlin, Chaise, Chair, Caravan, Hearse, Litter, or other such Carriage, if drawn by Two Horses or Mules, at the First Toll Gate or Turnpike which such Horse or Mule shall pass, the Sum of Eight-pence; at the Second Toll Gate or Turnpike, the further Sum of Four-pence; and at the Third Toll Gate or Turnpike, the further Sum of Eight-pence:

For every Horse or Mule drawing any Coach, Chariot, Landau, Berlin, Chaise, Chair, Caravan, Hearse, Litter, or other such Carriage, if drawn by One Horse or Mule, at the First Toll Gate or Turnpike which such Horse or Mule shall pass, the Sum of Eight-pence; at the Second Toll Gate or Turnpike, the further Sum of Two-pence Halfpenny; and at the Third Toll Gate or Turnpike, the further Sum of Eight-pence:

For every Horse or other Beast of Draught drawing any Waggon, Wain, Cart, Dray, or other such Carriage, if drawn by Seven or more Horses or other Beasts of Draught, at the First Toll Gate or Turnpike which such Horse or Beast shall pass, the Sum of Sixpence; at the Second Toll Gate or Turnpike, the further Sum of Three-pence; and at the Third Toll Gate or Turnpike, the further Sum of Sixpence:

For every Horse or other Beast of Draught drawing any Waggon, Wain, Cart, Dray, or other such Carriage, if drawn by Six Horses or other Beasts of Draught, at the First Toll Gate or Turnpike which such Horse or Beast shall pass, the Sum of Seven-pence; at the Second Toll Gate or Turnpike, the further Sum of Three-pence; and at the Third Toll Gate or Turnpike, the further Sum of Seven-pence:

For every Horse or other Beast of Draught drawing any Waggon, Wain, Cart, Dray, or other such Carriage, if drawn by Five Horses or other Beasts of Draught, at the First Toll Gate or Turnpike which such Horse or Beast shall pass, the Sum of Sixpence; at the Second Toll Gate or Turnpike, the further Sum of Three-pence Halfpenny; and at the Third Toll Gate or Turnpike, the further Sum of Sixpence:

For every Horse or other Beast of Draught drawing any Waggon, Wain, Cart, Dray, or other such Carriage, if drawn by Four Horses or other Beasts of Draught, at the First Toll Gate or Turnpike which such Horse

Horse or Beast shall pass, the Sum of Sixpence; at the Second Toll Gate or Turnpike, the further Sum of Two-pence; and at the Third Toll Gate or Turnpike, the further Sum of Sixpence:

For every Horse or other Beast of Draught drawing any Waggon, Wain, Cart, Dray, or other such Carriage, if drawn by Three Horses or other Beasts of Draught, at the First Toll Gate or Turnpike which such Horse or Beast shall pass, the Sum of Sixpence; at the Second Toll Gate or Turnpike, the further Sum of Three-pence; and at the Third Toll Gate or Turnpike, the further Sum of Sixpence:

For every Horse or other Beast of Draught drawing any Waggon, Wain, Cart, Dray, or other such Carriage, if drawn by Two Horses or other Beasts of Draught, at the First Toll Gate or Turnpike which such Horse or Beast shall pass, the Sum of Sixpence; at the Second Toll Gate or Turnpike, the further Sum of Two-pence; and at the Third Toll Gate or Turnpike, the further Sum of Sixpence:

For every Horse or other Beast of Draught drawing any Waggon, Wain, Cart, Dray, or other such Carriage, if drawn by One Horse or other Beast of Draught, at the First Toll Gate or Turnpike which such Horse or Beast shall pass, the Sum of Five-pence; at the Second Toll Gate or Turnpike, the further Sum of Two-pence Halfpenny; and at the Third Toll Gate or Turnpike, the further Sum of Five-pence:

For every Horse, Mule, or Ass, laden or unladen, and not drawing, at the First Toll Gate or Turnpike which any such Horse, Mule, or Ass shall pass, the Sum of Two-pence; at the Second Toll Gate or Turnpike, the further Sum of One Penny; and at the Third Toll Gate or Turnpike, the further Sum of Two-pence:

For every Drove of Oxen or Neat Cattle, at the First Toll Gate or Turnpike which the same shall or may pass, the Sum of Two Shillings and Three-pence *per* Score; and at the Third Turnpike or Toll Gate the further Sum of Two Shillings and Three-pence *per* Score, and so in proportion for any greater or less Number:

For every Drove of Calves, Swine, Sheep, or Lambs at the First Toll Gate or Turnpike which the same shall or may pass, the Sum of One Shilling and One Penny *per* Score; and at the Third Toll Gate or Turnpike, the further Sum of One Shilling and One Penny *per* Score, and so in proportion for any greater or less Number.

Which said Tolls shall be demanded and taken before any Horse, Mule, Ass, Beast, or other Cattle, Coach, Waggon, Cart, or other Carriage whatsoever, shall be permitted to pass through any Turnpike or Toll Gate, or Side Bar or Side Gate, or Chain, already erected or continued, or to be erected and continued by virtue of this Act, upon or across the said Road, or any Part thereof, or upon or across any Lane or Way leading into the same; and which said respective Tolls or Duties shall be and are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act, in Manner herein-after directed.

Power to take Tolls at Cross Bars, not to authorize an increased Charge, &c.

XIX. Provided also, and be it further enacted, That the Power or Authority hereby granted for taking Toll at any Gate or Gates, Turnpike or Turnpikes, erected or to be erected on the Side or Sides of the said Road, or across any Lane or Way leading out of the same, shall not extend to authorize a Double Charge, or any greater Duty or Charge than ought to be taken according to the true Meaning of this Act.

XX. Pro-

Limiting Number of Tolls for passing through all Gates on the Road.

XX. Provided also, and be it further enacted, That no more than Three Tolls in the whole shall be payable for or in respect of the same Horses, Cattle, Beasts, or Carriages, for passing in One Day, to be computed as aforesaid, through all the Gates or Turnpikes erected or to be erected on the said Road.

Carriages with Grist, to pay Toll only once.

XXI. Provided also, and be it further enacted, That no Person or Persons who shall have paid the Toll hereby granted, at any Turnpike or Toll Gate on the said Road, for any Horse, Mule, Ass, or Beast drawing any Cart or other such Carriage, employed in carrying any Corn, Grist, or Flour to or from any Mill, situate in any Township through which the said Road passes, shall be liable to the Payment of any further Toll at the same Turnpike or Gate, for such Horse, Mule, Ass, Beast, Cart, or Carriage going again unladen for, or going again laden solely with the same Corn, Grist, or Flour, either on the same or any future Day; any thing herein contained to the contrary notwithstanding.

Stage Coaches, Post Chaises, &c. to pay every Time of passing.

XXII. Provided always, and be it further enacted, That the said Tolls hereby made payable, shall be paid for or in respect of all Horses or other Beasts drawing any licensed Stage Coach, or any Stage Waggon, Van, Caravan, or other Stage Carriage, carrying Passengers or Goods for Payment, Hire, or Reward, for every Time of passing or repassing on the same Day, the Day to be computed from Twelve of the Clock in the Morning till Twelve of the Clock at Night; and the Tolls hereby made payable shall be paid for or in respect of all Horses or other Beasts drawing any Post Chaise or other Carriage travelling for Hire, for every Time of passing or repassing along the said Road on the same Day, (the Day to be computed as aforesaid) with a Ticket denoting a fresh Hiring.

Exemptions for agricultural Produce.

XXIII. Provided always, and be it enacted, That no Toll shall be demanded or taken by virtue of this Act for any Horse, Beast, or other Cattle or Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Dung, Soil, Compost, or Manure, except Lime for improving Lands, or any Ploughs, Harrows, or Implements of Husbandry, (unless laden also with some other Thing not exempted from Toll by the said recited Act of the Third Year of the Reign of His present Majesty), or any Hay, Straw, Fodder for Cattle, or Corn in the Straw, which has grown or arisen on Land or Ground in the Occupation of the Owner of any such Hay, Straw, Fodder, or Corn in the Straw, Potatoes, or other agricultural Produce, and which has not been bought, sold, or disposed of, nor is going to be sold or disposed of; or for any Horses or other Beasts employed in Husbandry, going to or returning from Plough or Harrow, or to or from Pasture or Watering Place, such Horses or other Beasts not going or returning on those Occasions more than Two Miles on the said Road; and if any Person shall claim or take the Benefit of the said Exemption, not being legally entitled to the same, every such Person shall forfeit and pay any Sum not exceeding Five Pounds, and the Proof of Exemption shall lie on the Person claiming the same.

XXIV. And

Application of the Tolls, and Money to be borrowed.

XXIV. And be it further enacted, That out of the Monies already received by virtue of the said recited Acts, and now in the Treasurer's Hands, or out of the First Money which shall arise or be received from the Tolls, Mortgages, or otherwise by this Act granted, the said Trustees shall, in the first Place, pay and discharge all the Costs and Expences relative to the obtaining and passing of this Act, with Interest for the same; and the Remainder of all such Monies shall from Time to Time be applied, in the first Place, in erecting and repairing Mile Stones, Posts, Turnpikes, Gates, and Toll Houses on the said Road, and afterwards in paying and keeping down the Interest of the principal Monies borrowed or due under the former Acts, and which by virtue of and under the Powers of this Act may be borrowed on the Credit thereof; and then in making, repairing, widening, varying, altering, turning, improving, and rendering commodious the said Road, and in otherwise putting this Act into Execution; and lastly, in repaying the principal Monies already borrowed by virtue of the said Acts, or to be borrowed by virtue of this Act.

No Priority of Mortgages.

XXV. And be it further enacted, That no Preference shall be given to any Person or Persons who hath or have heretofore advanced any Sum or Sums of Money on the Credit of the Tolls granted by the said recited Acts, or who shall hereafter advance any Sum or Sums of Money on the Credit of the Tolls granted by this Act, or to his or their Assignee or Assigns, in respect to the Priority of the Mortgage or Assignment, or of advancing such Sum or Sums of Money; but that as well all Persons to whom any such Mortgage or Assignment shall hereafter be made or given, his, her, or their Assignee or Assigns, as all Persons to whom any such Mortgage or Assignment hath heretofore been made or given, shall (in proportion to the Sum or Sums therein mentioned) be Creditors under this Act, and in equal Degree one with another.

Paying Creditors by Lot.

XXVI. Provided always, and be it further enacted, That in case the said Trustees shall at any Time be desirous of paying off any Portion of the principal Monies due and owing on the said Road, it shall and may be lawful for them at any Meeting (Notice of such intended Meeting, and of the Purpose thereof, being first given at least Twenty-eight Days preceding the same, by Advertisement in some Newspaper, published in the West Riding of the County of *York*), if they shall think fit, instead of paying the same rateably amongst all the Creditors, to determine by Lot, to which of such Creditors the Whole or any Portion thereof shall be so paid, and to pay the same to such Creditor or Creditors only, or to any of the Creditors, with the Consent of all the other Creditors.

Trustees not personally liable for Mortgages.

XXVII. Provided always, and be it enacted, That the Trustees appointed or to be appointed by virtue of this Act shall not be personally subject to or liable to be charged with the Payment of any Sum or Sums of Money by reason of their having signed or executed any Mortgage, or Assignment by way of Mortgage or other Security to be made as aforesaid: Provided always, that in case any Action, Suit, or Prosecution shall be brought or commenced against the said Trustees for any thing done by virtue or in pursuance of the said recited Acts or this Act, all the Costs, Charges, and Expences of defending such Action, Suit, or Prosecution, shall be defrayed out of the Tolls arising on the Turnpike Road hereby directed to be amended and repaired.

XXVIII. And

Power to make Diversions.

XXVIII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, and they are hereby empowered to make a Diversion or Alteration of the said Road, commencing at or near a Close of Land called *Thackgarth*, in the Parish of *Ilkley* in the County of *York*, in the Occupation of *Christopher Ellis*, and to pass through the said Parish into and through a Plantation in the Parish of *Addingham* in the said County, in the Occupation of *John Nicholas Coulthurst* Esquire.

Deviation to be made according to Plan.

XXIX. And whereas a Map or Plan, describing the said intended Deviation, and the Lands through which the same is to be carried, together with a Book of Reference, containing Lists of the Names of the Owners and Occupiers of such Lands, has been deposited with the Clerk of the Peace for the West Riding of the County of *York*, be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the said Riding, to the end that all Persons concerned may, at all seasonable Times have Liberty to peruse and inspect the same, and take Copies of or Extracts therefrom at their Will and Pleasure, paying to the Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every Seventy-two Words of such Copies of or Extracts from the said Map or Plan, and Book of Reference; and the said Trustees in making the said Deviation shall not deviate more than One hundred Yards, of Three Feet each, from either Side of all or any Part or Parts of the Line described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Body Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviations shall be made.

Trustees not to deviate more than One hundred Yards.

Lands marked in the Plan may be used notwithstanding Errors in the Book of Reference.

XXX. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Turnpike Road into, through, across, or over the Lands or Grounds of any Person or Persons who is or are or may be Owner or Owners of Lands or Grounds over which the same is or are set out or described in the said Map or Plan as aforesaid, although the Name or Names of such Person or Persons may happen to be erroneously described or omitted in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said Riding, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake, or was not wilful; and such Certificate shall be deposited with and remain in the Custody of the Clerk of the Peace for the said Riding.

Trustees restrained from pulling down Dwelling-Houses without Consent of the Owner.

XXXI. Provided also, and be it enacted, That the Powers and Authorities by the said herein-before recited Act or this Act given, shall not in any Case be construed to extend to empower or authorize the said Trustees to take or pull down any Dwelling House or other Building, or any Part thereof, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained.

Trustees, &c. may be Witnesses.

XXXII. And be it further enacted, That no Person shall be deemed incompetent to give Evidence, or be disqualified from giving Testimony or Evidence in any Action, Suit, Prosecution, or other legal Proceedings to be brought or had in any Court of Law or Equity, or before any Justice or Justices of the Peace, under or by virtue of this Act, by reason of being a Trustee of the said Road, or a Mortgagee or Creditor of the

Tolls thereof, or a Farmer, Lessee, or Collector of such Tolls, or a Treasurer, or Clerk, or Surveyor, or other Officer under this Act, nor shall such Testimony or Evidence, for any of the Reasons aforesaid, be rejected or liable to be questioned or set aside.

In case of Nonpayment of Compensation for Materials, Damages, or Injury done by the said Trustees, &c. the same to be levied by Distress of the Goods of such Trustees, or their Treasurer.

XXXIII. Provided always, and be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, in pursuance of the Directions of the said recited Act of the Third Year of the Reign of His present Majesty or this Act, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil, or Injury of any Nature or Kind whatsoever, done or committed by the said Trustees, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Trustees to the Party or Parties entitled to receive the same, within Ten Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices, from the Clerk to the said Trustees or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money, as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in Dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned on Demand, to the said Trustees, or to their Treasurer for the Time being, as the Case may be: Provided always, that the said Treasurer shall and may retain, out of any Monies which may come into his Hands in pursuance of this Act, all such Costs, Charges, and Expences, as he shall be put unto by virtue of such Order or Orders as aforesaid.

Regulations as to Performance of Statute Work.

XXXIV. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Road or any Part thereof, and the Inhabitants of all such Parishes, Townships, or Places, as have at any Time or Times done Statute Work upon or contributed towards repairing and amending the said Road, or any Part thereof, shall still remain liable thereunto, in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the said West Riding of the County of *York*, and they are hereby empowered and required (upon Application made to them for that Purpose by the said Trustees, or by their Clerk or Clerks, Surveyor or Surveyors, by their Order) yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes, Townships, or Places liable thereto, or in which the said Road lies, and also what Proportion of the Money received by the Surveyor or Surveyors

of the Highways of every such Parish, Township, or Place, in lieu of or as a Composition for such Statute Work, shall be by him or them paid to the said Trustees or to their Treasurer or Treasurers; and in order thereto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Township, or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Fourteen Days after the serving of such Summons, either personally or by leaving the same at his or their Dwelling House or Dwelling Houses), of the Names of the several Persons who within such Parish, Township, or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid, which Lists of Names shall be made in such Manner, and under such Regulations and Restrictions as is or may be directed by any Law or Statute in force and effect for the Repair of the public Highways, and out of such Lists such Justices shall or may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road as the said Justices shall think reasonable; and the same shall be done on such Days and at such Times, (not being Hay-time or Harvest) and on such Parts of the said Road as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct, and appoint; and the said Justices may also order and direct the Surveyor or Surveyors of such respective Parishes, Townships or Places, to pay over to the said Trustees or their Treasurer or Treasurers such Proportion of the Composition for Statute Work as aforesaid, as they the said Justices shall think proper, and at such Time or Times as the said Justices shall direct; and each and every Person who shall neglect or refuse to do Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them for that Purpose, signed by the Surveyor or Surveyors to the said Trustees shall, for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in force and effect for the Repair of the Public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid, and in that case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had refused or neglected to come, or such Team or Draught had not been sent to work on any Part of the said Road; all which Forfeitures shall be paid to the Treasurer or Treasurers to the said Trustees, and applied towards amending the said Road; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, or shall refuse or neglect to collect or pay over such Composition Money, or any Part thereof, in manner aforesaid, every such Surveyor so offending, shall for every such

such Offence, forfeit and pay any Sum not exceeding Ten Pounds; and such Composition Money shall and may be recovered from such Surveyor or Surveyors of the Highways by Distress and Sale of his or their Goods and Chattels, by Warrant under the Hands and Seals of any Two Justices of the Peace for the County of *York*, on Complaint made to such Justices by the Surveyor to the said Trustees.

Public Act.

XXXV. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

Commencement and Continuance of this Act.

XXXVI. And be it further enacted, That this Act shall commence upon the First Day of *June* One thousand eight hundred and twenty-three, and shall continue and be in force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1823.